

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:12-CR-00351-F-9

UNITED STATES OF AMERICA

v.

TERESA DARDEN,

Defendant.

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ORDER

This matter is before the court on Teresa Darden's renewed Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2) [DE-635].

A review of the record reveals that on November 24, 2014, Darden filed her first Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2) [DE-512]. On January 6, 2016, the motion was denied by this court with the following explanation:

The amendment is applicable to the defendant, but does not have the effect of lowering the guideline imprisonment range.

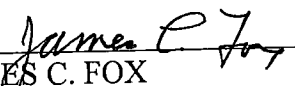
See Jan. 6, 2016 Order [DE-595].

Now, Darden has renewed her motion by filing another Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2) [DE-635]. Darden is advised that she is not entitled to relief because although the retroactive amendment is applicable to her, it doesn't have the effect of lowering her guideline range.¹ Consequently, Darden's renewed Motion for Sentence Reduction

¹ Under the retroactive amendment, Darden's base offense level would be reduced from 38 to 36. However, with the 2-level increase for the weapon, the 6-level increase for creating a substantial risk of harm to the life of a minor or an incompetent, the 4-level increase for the role in the offense, and minus 3 levels for acceptance of responsibility, this equals a total offense level of 45. In those cases where the total offense level is greater than 43, it is to be treated as a 43. So, Darden's offense level is 43. Although her base offense level went down for the drugs, her total offense level remains at 43 and with a criminal history category of IV, she's still at a guideline range of life.

Pursuant to 18 U.S.C. § 3582(c)(2) [DE-635] is DENIED.

This, the 1 day of December, 2016.



JAMES C. FOX
Senior United States District Judge